

# Exhibit 5

Honorable Pamela K. Chen  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Dear Judge Chen,

Thirty years ago my youngest daughter, Martha, confided to me she had just met a really nice guy and definitely wanted to see him again. She thought he was "too good to be true" and needed to find out if he was for real. That guy was Michael McMahon and I am his eighty-five year old mother-in-law. Her instincts were right. From the day I met Michael I immediately knew he would love and protect my daughter for life. I was proven right. My resolve has never wavered over the past thirty years.

I think of you sitting behind the bench, weighing evidence and listening to testimonies without having a full and comprehensive picture of who Michael McMahon really is. I can attest that he is a man of integrity. He is a good man. As my husband Terry and I got to know Michael we realized how genuine he was. I remember the car he picked Martha up in was a basic model car that had no electronic windows and lacked air conditioning. He was not pretentious. He purchased a car that was within his budget as a New York police officer.

Michael came from a large family of nine children. Just months before Martha met Michael he lost his younger sister, Ann Marie to pancreatic cancer and his father to leukemia. We learned that it was Michael who cared for his father as he slowly declined. Despite the number of siblings, it was he who assumed most of that responsibility. Ann Marie and Michael had a very close relationship. Her devastating cancer diagnosis was difficult for the entire family to accept. Again it was Michael who stepped in and helped care for his sister during the few months she had to live. To this day, Michael is the same selfless and kind person he was during that difficult year.

There is so much that has happened over the past thirty years. It is hard to capture in one letter the life experiences that I shared with Michael and Martha. Needless to say, they became an inseparable pair. Terry, a father of three girls, Martha being the youngest, held Michael to the highest scrutiny. He had great insights and realized that Martha really "got lucky". A member of his family was married to a police officer for whom he had little respect. I clearly remember him saying to me about Michael, "He's one of the good ones!"

I should mention here that Martha had a public profile in the entertainment field prior to meeting Michael. However, when she met him she was no longer working and had just returned from California with a mindset of living a normal life. Their relationship developed privately. During that period of time, Martha was offered the opportunity to return to the soap opera role she had left years before. Martha accepted the offer and she and Michael planned their future together. They bought a house in New City, N.Y. near his mother and his family. Their wedding was covered by the news and featured in magazines. Regardless, both settled down to a normal life together. Aside from adjusting to their work schedules, they lived quietly in a community surrounded by friends and family.

"Mikey" was Michael and Martha's first born. He was the third of my eleven grandchildren. Michael was a great "hands on" father. Fatherhood came naturally to him. It was obvious of how loving and protective he was of Martha and Mikey. I spent many days traveling to New City to babysit. It was satisfying as a parent to see and share their happiness. Their lives however, changed dramatically when Michael was severely injured in a horrific car accident while working his job in New York City. It was difficult to see his physical disability following his hospitalization. My husband, who had developed such great respect for Michael, had his recliner brought up to their home to accommodate Michael's recovery and comfort. We watched as he labored through rehabilitation. Unfortunately he would never recover to the point where he could fulfill active duty on the police force. We saw how difficult it was for him to accept that outcome. I know the circumstances surrounding Michael saving the life of their friend and neighbor Lisa Ross. He was still healing from his injuries when he ran across the street to her aide. This was just another instance of Michael's instinct to act on someone's behalf without thought of his own condition.

I remember Mike returned to work on a modified schedule and confined to the precinct just two days before the attack on 9/11/01. I recall vividly the time that followed. He and his fellow officers were exposed daily to the toxic residue of what they called "the pile". No one knew then what the future health ramifications would be. Due to his physical disability Michael was unable to pass the necessary tests to return to full duty and retired in 2003. Shortly thereafter they bought a home in New Jersey and their second son, Max was born. They bought a piece of property nearby and Michael decided to build their next home. This period of adjustment seemed to help in his transition into retirement. Michael now had two sons that he could care for and enjoy. I can attest that he was a remarkable father. The boys had the gift of having a full time father to help care for them. Tragically his mother was diagnosed with cancer during this time.

Michael completed their new home and they settled in. It has to be taken into consideration that my daughter had a high paying job during this time. They had the ability to buy a second home at the beach. Michael and Martha shared everything they had, including that home, with both the McMahon and Byrne families. It was a collective. I know personally that on numerous occasions they financially helped family members on both sides without asking for any repayment. They were beyond generous. The grandchildren had begun arriving in "groups". I say that because those "groups" gravitated to each other over the years having one common thread. They all adored "Big Mike". Unfortunately, about that time his mother was diagnosed with cancer. The McMahons are a strong family and have endured great losses. Michael seemed to be their anchor. I remember the first time I saw him with his mother I recognized how loving their relationship was. He teased her and made her laugh. It was a difficult time. He handled it as he had in the past, with compassion and understanding. I echo my husband's words "He's one of the good ones!"

Ann Marie, my last grandchild, was born in June of 2006. Michael and Martha named her after his sister who had passed. She had a difficult beginning but thankfully came through it. Mikey was in school, Max was four and Ann Marie was now part of the family. The family mourned the loss of "Nana" McMahon in early 2007. The McMahons had to once again adjust to another loss of a family member. Michael had recently begun doing part time freelance PI work. Michael and Martha made the decision that she would leave her lucrative job and they would live a more semi-normal life out of the spotlight.

They sold the beach house, sold the home they built and were fortunate enough to be able to buy their final home without having a mortgage. He transformed a small basement room into an office for McMahon Investigative Group. Money was never a motivator in their lives. Michael helped construct a home in New Jersey for our son Brendan and his family while continuing to do work as a PI.. He got involved with coaching in the community. Life was as normal as life could be.

As it often does, life throws a few curves into the mix. My husband Terry was diagnosed with Parkinson's disease and dementia in late 2009. Through the difficult years Michael socialized with him as if nothing was wrong. He helped make his life meaningful, he conversed with him about sports and the kids and most importantly made him laugh. When he was wheelchair bound Michael assisted with his transfers. He came to my assistance when he fell in the bathroom and was unable to get up.

By the time my husband died in 2013 we had exhausted most of our assets for his care. I rented a small apartment close to Michael and Martha. It was difficult financially but I did not want to live with any of my children. I wanted to live independently. Enter Michael and Martha. Michael offered to convert part of their large detached garage into a "Granny Pod". He built me a safe and secure place to live and allowed me to live privately, independently and rent free. In the almost ten years I have lived here, I have observed the lives of both the Byrne and McMahon families as they interacted together. Holidays, birthdays, engagements, graduations and family get-togethers were all shared here. Family was the center of every occasion. All the grandchildren and Michael's nieces and nephews came together as did their parents. They all enjoyed each other's company, Michael was the catalyst of the group. He welcomed and encouraged everyone to enjoy themselves. Over the years he mentored and coached some of them, traveled, attended and supported their sports and school events and was an inspiring example to them all. Friends of their children were always welcome in their home. Everyone loved and respected Michael.

A few years ago I was hit with a "double whammy diagnosis" of kidney cancer and a defective aortic valve. Both required surgery. Within months I had a heart valve replacement and a nephrectomy. The valve replacement was not debilitating but major kidney surgery left me in need of support. When I returned from the hospital Michael helped me into my "pod" and I realized that the entire place had been cleaned and sanitized. It took a few weeks to fully recover and Michael and Martha were there every day to help. I knew then, how grateful his father and sister must have been to have Michael there with them. Michael is a man of composure, empathy and innate kindness.

On October 28, 2020 I walked over to the house and found the family emotionally upset. Martha told me that Michael had just been arrested by the FBI and taken into custody. I was in total shock. I was oblivious to what had happened that morning and it was inconceivable to me why Michael would be arrested. It became even more inconceivable when I learned that it had something to do with Michael being part of a Chinese Communist Party Federal case. Most disturbing were the news and print reports that labeled Michael as a criminal working with a foreign government. I can say unequivocally that Michael McMahon would never be complicit in anything that involved working with the CCP. He is a man sworn to protecting and serving his family, community and country. He has lived his entire life dedicated to helping others. He would never endanger or dishonor his family under any circumstances, especially by working with the Chinese Communist Party. Their family was not in need of money and Michael would never be part of a case that would jeopardize his life, the lives of his family or the lives of

any other individuals. To the contrary, he would have offered his assistance to work on behalf of the government had he been asked.

For more than three years I have observed the impact the arrest has had on Michael. The emotional impact has been devastating. Watching his efforts to maintain normalcy for his family elevated the respect I already had for him. The kids were traumatized the day of his arrest. The ensuing weeks, months and years have been a difficult period of adjustment for them. They, as all who know Mike, are steadfast in their belief and defense of his innocence. Those sentiments are all 'well and good' but the reality is that the suffering of their family is incomprehensible. The emotional and physical toll is recognizable. The accumulation of insurmountable legal debt is overwhelming. More importantly,

[REDACTED] I personally see the progressive physical change in him. The stress and anxiety has [REDACTED]

[REDACTED] He never complains. Through it all I have never seen Michael lose his composure.

Thanks to their continuing efforts they try to maintain a sense of normalcy and protect the lives of their children. Mikey and Max have made mature choices for their futures. Ann Marie will remain home and enter a comprehensive nursing program at Bergen Community College in September. Her goal is to become a pediatric nurse. Ann Marie is at a crossroads in her life. She is a quiet and sensitive young girl of seventeen whose high school years were compromised by the isolation of the Covid-19 lockdown, the emotional distress brought on by the arrest of her father and his recent conviction. She is at an extremely vulnerable age and needs her father in her life. The next four years are crucial to her transition into adulthood. Michael and she are very close. They go to the gym together, have lunch, travel to visit her cousins and attend their soccer games. The family has not discussed Michael's sentencing with her. They are waiting until after her graduation in late June. I fear what the repercussions of a possible separation from her father will be.

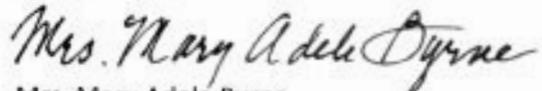
I was not well enough to go to the court proceeding but was made aware of what had transpired each day. Despite the prosecutors' narrative and attempt to implicate Michael as a knowledgeable participant in the case, we all knew he was innocent and strongly believed he would be acquitted of all charges. We believed the jury would assess the lack of real evidence and return a verdict in his favor. Unfortunately, that was not the case. The verdict sentenced Michael and Martha to the additional anxiety and stress of an unknown future. I wish the jury had been privy to the true character of Michael McMahon. I will be eighty-six years old this summer and in my lifetime I have never felt such distrust in the prosecutorial system. I am the daughter of an attorney who raised me to respect the profession and I even contemplated following in his footsteps before choosing a scientific field of study. Today, I question what the cost of the accolades of a win are when measured against the deviation from the truth.

Judge Chen, you have overseen the prosecution and the defense in this case. You have information not permitted to go before the jury. You now have, through multiple letters of support, the truth about the character of Michael McMahon. He would never participate in any effort to undermine the laws of this country. He is the personification of law enforcement. He would be the first person to come to your assistance regardless of circumstance. I sincerely hope you can show Michael leniency and sentence him to probation. The last three years have been a punishment in and of itself. I doubt that he will ever recuperate from those years. There is no remedy to undo the unfortunate emotional

and financial damage that has been done. Right now his family needs him and he needs his family. Ann Marie specifically needs her father for the support she will need in the coming years. The sense of safety I feel with Michael nearby is comforting. I wake up each morning, thankful for another day. I hope and pray that Michael and the family can finally return to the peace of a normal day.

I respectfully ask for your compassion and understanding when deciding on Michael's sentence. If my husband were alive today he would repeat to you his sincere feelings about his son-in-law Michael McMahon. He would simply say, "He's one of the good ones!"

Respectfully,



Mrs. Mary Adele Byrne